

REMARKS

Claims 15-19, 21-30 and 32-35 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 15-19, 21-30 and 32-35 stand rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,473,500 (Risafi). This rejection is respectfully traversed.

Risafi is directed generally to a method for using a prepaid card. Although the prepaid card is similar to the cash card described in the present application, Risafi fails to disclose a method for distributing an electronic cash card as recited in Applicant's claimed invention. Specifically, Risafi does not teach or suggest a technique for selling electronic cash cards at a purchase price less than the value of the card.

In contrast, Applicant's invention is directed generally to an innovative method for distributing an electronic cash card. Of note, Claim 15 has been amended to recite "updating the data file with a value for the cash card upon funding of the cash card at the retail outlet, wherein the value for the cash card is more than the purchase price of the cash card" in combination with other elements of the claim. Basis for this amendment may be found throughout the application as originally filed, including on page 18 of the specification. Therefore, it is respectfully submitted that Claim 15, along with claims depending therefrom, defines patentable subject matter over Risafi.

Applicant notes that independent Claim 26 has been similarly amended, and thus should be allowable, along with claims depending therefrom, for the same reasons as Claim 15. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

REJECTION UNDER 35 U.S.C. § 101

Claims 15-35 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

First, Applicant asserts that the Examiner's "two prong" test is inconsistent with USPTO examination procedures as well as current Federal Circuit case. In particular, Applicant asserts that there is no technological arts requirement. Rather, the proper test is merely whether the claimed subject matter produces a useful, concrete and tangible result. In the present application, Applicant's invention provides an innovative method for distributing and funding an electronic cash card. Funding the card with a value that is more than its purchase price is a useful, concrete and tangible result that places the claimed subject matter within the realm of statutory subject matter.

Furthermore, Applicant asserts that funding an electronic cash card provides a basis in the technological arts. Broadly speaking, technology pertains to things derived by man, and thus should not be narrowly construed to involve the use of a computer. An electronic cash card or other similar financial products (e.g., credit cards, phone cards, etc.) have been the subject of issued U.S. Patents, and thus qualifies as statutory subject matter even under the Examiner's two-prong test. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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